

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANGEL LUIS SANTOS, et al.,

Plaintiffs,

v.

SECRETARY OF D.H.S., et al.,

Defendants.

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CIVIL ACTION

NO. 10-7266

ORDER

AND NOW, this ____ day of July, 2012, upon consideration of Plaintiffs' Amended Complaint (Doc. 30); Defendant Lutheran Children and Family Services' Motion to Dismiss (Doc. 39); Defendant Mary Louise Johnson's Motion to Dismiss (Doc. 57); Plaintiffs' Declaration in Opposition to Defendants' Motions to Dismiss or in the Alternative for Summary Judgment (Doc. 65); Defendant Lutheran Child and Family Services' Motion to Stay (Doc. 45); Plaintiffs' Motion in Reconsideration of Extension of Time (Doc. 62); and Plaintiffs' Motion for Appointment of Counsel (Doc. 68), and for the reasons set forth in the attached Memorandum Opinion, **IT IS HEREBY ORDERED AND DECREED** that:

- 1) Defendant Lutheran Children and Family Services' Motion to Dismiss (Doc. 39) is **GRANTED**.
- 2) Defendant Mary Louise Johnson's Motion to Dismiss (Doc. 57) is **GRANTED**.
- 3) Plaintiffs' claims against Defendants Lutheran Children and Family Services, Mary Louise Johnson, and the Secretary of DHS are **DISMISSED WITH PREJUDICE**.

- 4) Defendant Lutheran Child And Family Services' Motion to Stay (Doc. 45) is **DENIED AS MOOT**.¹
- 5) Plaintiffs' Motion in Reconsideration of Extension of Time (Doc. 62) is **DENIED**.²
- 6) Plaintiffs' Motion for Appointment of Counsel (Doc. 68) is **DENIED**.³
- 7) The Clerk of Court shall mark this case as **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.

¹Defendant's Motion to Stay, to which Plaintiffs never responded, requested a stay of discovery pending resolution of its Motion to Dismiss.

²As set forth in the beginning of the Court's Memorandum Opinion, Plaintiffs have already been granted a number of extensions of time in which to respond to Defendants' Motions to Dismiss. In its last Order granting an extension, the Court made it clear that no more extensions would be granted.

³28 U.S.C. § 1915 provides that "[t]he court may request an attorney to represent any person unable to afford counsel." 28 U.S.C. § 1915(e)(1). In the Third Circuit, when a plaintiff requests the appointment of counsel, the court should consider various factors which include: (1) the merits of the plaintiff's claim; (2) the plaintiff's ability to present his or her case; (3) the difficulty of the legal issues; (4) the degree to which factual investigation will be required; (5) whether the case is likely to turn on credibility determinations; and (6) whether expert testimony will be required. Tabron v. Grace, 67 F.3d 147, 156 (3d Cir. 1993). The Memorandum Opinion attached to this Order clearly demonstrates that Plaintiffs' claims lack merit. Therefore, appointment of counsel is not warranted.